

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

CLERK U.S. DISTRICT COURT
NORTHERN DIST. OF TX
LUBBOCK DIVISION

2021 JUL 14 PM 3:28

UNITED STATES OF AMERICA

v.

ROBERT DAVID FYKE

No 5-21 CR 0082-H ^{DEPUTY CLERK 206}

INDICTMENT

The Grand Jury Charges:

Count One

Transportation of a Minor with Intent to Engage in Criminal Sexual Conduct
(Violation of 18 U.S.C. § 2423(a))

From on or about May 15, 2021, to on or about June 17, 2021, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Robert David Fyke**, defendant, did knowingly transport an individual who had not attained the age of 18 years in interstate and foreign commerce, with the intent that such individual engage in sexual activity for which any person can be charged with a criminal offense, that is, a violation of Georgia Code Section 16-6-3, which makes it a crime to engage in sexual intercourse with another person when the other person has not attained 16 years of age, and Texas Penal Code, Section 21.11 (Indecency with a Child) which makes it a crime to intentionally or knowingly engage in sexual contact with a child younger than 17; or with the intent to arouse or gratify the sexual desire of any person, expose the person's anus or any part of the person's genitals, knowing that a child younger than 17 is present; or cause a child younger than 17 to expose the child's anus or any part of the child's genitals.

Robert David Fyke
Indictment - Page 1

In violation of Title 18, United States Code, Section 2423(a).

Count Two

Travel with Intent to Engage in Illicit Sexual Conduct
(Violation of 18 U.S.C. § 2423(b))

From on or about May 15, 2021, to on or about June 17, 2021, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Robert David Fyke**, defendant, did knowingly travel in interstate commerce for the purpose of engaging in any illicit sexual conduct, as defined in Title 18, United States Code, Section 2423(f).

In violation of Title 18, United States Code, Section 2423(b).

Count Three

Enticement and Attempted Enticement of a Minor
(Violation of 18 U.S.C. § 2422(b))

From on or about a date unknown to the Grand Jury to on or about June 17, 2021, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Robert David Fyke**, defendant, did knowingly use a facility and means of interstate and foreign commerce, to persuade, induce, entice, and coerce, and attempt to do so, an individual who had not attained the age of 18 years, to engage in sexual activity for which **Fyke** could be charged with a criminal offense, that is, a violation of Georgia Code Section 16-6-3, which makes it a crime to engage in sexual intercourse with another person when the other person has not attained 16 years of age, and Texas Penal Code, Section 21.11 (Indecency with a Child) which makes it a crime to intentionally or knowingly engage in sexual contact with a child younger than 17; or with the intent to arouse or gratify the sexual desire of any person, expose the person's anus or any part of the person's genitals, knowing that a child younger than 17 is present; or cause a child younger than 17 to expose the child's anus or any part of the child's genitals.

In violation of Title 18, United States Code, Section 2422(b).

Count Four
Production of Child Pornography
(Violation of 18 U.S.C. § 2251(a))

From on or about a date unknown to the grand jury to on or about June 17, 2021, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Robert David Fyke**, defendant, did use, persuade, induce, and entice, and attempt to do so, "Jane Doe," a person under the age of 18 years, to engage in sexually explicit conduct, that is: lascivious exhibition of the genitals and pubic area of said minor, for the purpose of producing a visual depiction of such conduct, and which visual depiction was produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2251(a).

Forfeiture Notice
(18 U.S.C. § 2253)

Upon conviction of the offenses alleged in Counts One, Two, Three, or Four, and pursuant to 18 U.S.C. § 2253(a), defendant **Robert David Fyke**, shall forfeit to the United States of America: (a) any visual depiction described in Section 2251, 2252A, 2252, 2252A, 2252B, or 2260 of Chapter 110, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Chapter 110; (b) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from any offense alleged in Counts One, Two, Three, or Four; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of any offense alleged in Counts One, Two, Three, or Four, and any property traceable to such property.

The above-referenced property subject to forfeiture includes, but is not limited to, a Google cellular phone, model Go 20p pixel, IMEI number 356729101111726.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b), to seek forfeiture of any other property of the said defendant up to the value of the forfeitable property described above.

A TRUE BILL



FOREPERSON

PRERAK SHAH
ACTING UNITED STATES ATTORNEY



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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

THE UNITED STATES OF AMERICA

v.

ROBERT DAVID FYKE

INDICTMENT

- COUNT 1: TRANSPORTATION OF A MINOR WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL CONDUCT
Title 18, United States Code, Section 2423(a).
- COUNT 2: TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT
Title 18, United States Code, Section 2423(b).
- COUNT 3: ENTICEMENT AND ATTEMPTED ENTICEMENT OF A MINOR
Title 18, United States Code, Section 2422(b).
- COUNT 4: PRODUCTION OF CHILD PORNOGRAPHY
Title 18, United States Code, Section 18 U.S.C. § 2251(a).
(4 COUNTS + FORFEITURE)

A true bill rendered:

Lubbock

Foreperson

Filed in open court this 14 day of July, A.D. 2021.

DEFENDANT IN FEDERAL CUSTODY

Complaint #5:21-MJ-063 filed 06/18/21

UNITED STATES MAGISTRATE JUDGE
